

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CIVIL DIVISION**

| | | |
|--------------------|---|------------------------------------|
| CREAPRODUCTS, INC. |) | |
| Plaintiff |) | |
| v. |) | Judge Howard C. Nielson, Jr. |
| |) | Magistrate Judge Cecilia M. Romero |
| |) | C.A. 2:20-cv-00848-HCN |
| |) | |
| SIDELINX, LLC |) | |
| Defendant |) | |
| |) | |
| |) | Complaint Filed: December 2, 2020 |
| |) | |

**DEFENDANT SIDELINX, LLC'S ANSWER TO
PLAINTIFF'S AMENDED COMPLAINT**

Defendant Sidelinx, LLC, by and through its attorneys, DeWitty and Associates, hereby answers and asserts defenses to the Complaint for Copyright Infringement, as follows:

1. Answering para. 1 of the Amended Complaint, Sidelinx, LLC denies this allegation.
2. Answering para. 2 of the Amended Complaint, Sidelinx, LLC admits this assertion.
3. Answering para. 3 of the Amended Complaint, Sidelinx, LLC denies this allegation.
4. Answering para. 4 of the Amended Complaint, Sidelinx, LLC denies this allegation.
5. Answering para. 5 of the Amended Complaint, Sidelinx, LLC does not possess sufficient information to admit or deny this allegation, otherwise Sidelinx, LLC denies this allegation.
6. Answering para. 6 of the Amended Complaint, Sidelinx, LLC denies this allegation.
7. Answering para. 7 of the Amended Complaint, Sidelinx, LLC denies this allegation.
8. Answering para. 8 of the Amended Complaint, Sidelinx, LLC denies this allegation.
9. Answering para. 9 of the Amended Complaint, Sidelinx, LLC denies this allegation.

10. Answering para. 10 of the Amended Complaint, SidelineX, LLC admits this assertion.
11. Answering para. 11 of the Amended Complaint, SidelineX, LLC denies this allegation.
12. Answering para. 12 of the Amended Complaint, SidelineX, LLC denies the allegations therein.
13. Answering para. 13 of the Amended Complaint, SidelineX, LLC denies this allegation.
14. Answering para. 14 of the Amended Complaint, SidelineX, LLC denies this allegation.
15. Answering para. 15 of the Amended Complaint, SidelineX, LLC denies this allegation.
16. Answering para. 16 of the Amended Complaint, SidelineX, LLC does not admit or deny the assertion.
17. Answering para. 17 of the Amended Complaint, SidelineX, LLC does not possess sufficient information to admit or deny this allegation.
18. Answering para. 18 of the Amended Complaint, SidelineX, LLC does not possess sufficient information to admit or deny this allegation.
19. Answering para. 19 of the Amended Complaint, SidelineX, LLC denies this allegation.
20. Answering para. 20 of the Amended Complaint, SidelineX, LLC denies this allegation.
21. Answering para. 21 of the Amended Complaint, SidelineX, LLC denies this allegation.
22. Answering para. 22 of the Amended Complaint, SidelineX, LLC denies this allegation.
23. Answering para. 23 of the Amended Complaint, SidelineX, LLC denies this allegation.

Affirmative Defenses

First Affirmative Defense

1. The copyrights that are allegedly infringed by Sidelinx, LLC are invalid for failure to comply with the requirements for copyrightable subject matter set forth in 17 U.S.C. §102, including that no copyright protection is afforded to “any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied.”

Second Affirmative Defense

2. Plaintiff’s claims for copyright infringement are barred by the doctrine of copyright misuse. Plaintiff has attempted to use the Amazon.com procedure for alleged infringement complaint to forestall competition. This attempt to influence competition in an area beyond the scope of Plaintiff’s copyright.

Third Affirmative Defense

3. Plaintiffs’ claims for copyright infringement are barred by the doctrines of merger and Scènes-à-faire. Given the limited number of ways that the use of other competing products can be expressed, Plaintiff’s claims for copyright infringement are barred for derivative works allegedly infringed by Sidelinx, LLC.

Fourth Affirmative Defense

4. Any reproduction, display, derivation, publication or distribution of any valid copyright of the Plaintiffs by Sidelinx, LLC is a fair use protected by the provisions of 17 U.S.C. §107.

Fifth Affirmative Defense

5. Any copy, adaptation, lease, sale, or transfer of any work copyrighted by the Plaintiffs is protected by the provisions of 17 U.S.C. § 117. Sidelinx, LLC reserves the right to assert additional defenses as they become known through further investigation and discovery.

Respectfully submitted,

/s/ Robert M. DeWitty
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Attorney for Defendant

Dated: May 10, 2023

CERTIFICATE OF SERVICE

I hereby certify that a copy of this **DEFENDANT’S ANSWER TO COMPLAINT**, dated May 10, 2023, was emailed on May 10, 2023 to Plaintiff’s counsel in accordance with the following electronic address: angilee@pearsonbutler.com.

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